



Governing Board

SUMMARY MINUTES

Wednesday, March 19, 2014

1:00 p.m. to 3:00 p.m.

Meeting Location:

1330 Broadway, 11th Floor Conference Room
Oakland, California

For additional information, please contact:
Clerk of the Governing Board, (510) 464 7900

Agenda and attachments available at:
www.sfbayrestore.org

1. Call to Order

John Gioia, Vice Chair, called the meeting to order at about 1:05 p.m.

2. Roll Call

Frederick Castro, Clerk, reported that five members were present. A quorum of the Governing Board was present.

Present were Cindy Chavez, Rosanne Foust, John Gioia, Dave Pine, John Sutter.

Absent was Keith Caldwell.

Present were Kenneth Moy (ABAG); Karen McDowell (San Francisco Estuary Partnership); Samuel Schuchat, Amy Roach, Amy Hutzler and Melanie Denninger (California State Coastal Conservancy).

3. Public Comments

Bob Geiser, Green Party of Alameda County, commented on the proposed parcel tax ballot measure, progressive taxes and exemptions.

There were no other public comments.

4. Announcements

There were no announcements.

5. Approval of Summary Minutes of February 26, 2014

Gioia recognized a motion by Sutter and a second by Chavez to approve the summary minutes of the Governing Board meeting on February 26, 2014. There was no discussion. The motion passed unanimously.

Ayes: Chavez, Foust, Gioia, Pine, Sutter.

Nays: None.

Absent: Caldwell.

6. Vice Chair's Report

A. Appreciation for Service of Outgoing Chair Sam Schuchat

Gioia acknowledged the service of Samuel Schuchat, Executive Officer, California State Coastal Conservancy, as Chair of the Governing Board. Kenneth Moy, Legal Counsel, Association of Bay Area Governments, announced that an appropriate expression of the Governing Board's appreciation will be prepared and presented to Schuchat.

B. Status of Appointment of New Chair and New Member

Moy reported that the Executive Board of the Association of Bay Area Governments is expected to take action on the appointment of a new Chair of the Governing Board at its meeting of March 20, 2014.

C. Advisory Committee Meeting Scheduled for April

Schuchat reported that a meeting of the Advisory Committee in April has not been scheduled. Governing Board members will be informed when the meeting webinar is scheduled.

D. Status of Education Program

Schuchat reported on Dave Pine, Supervisor, County of San Mateo, and his participation at a meeting with the Bay Area Council, the Silicon Valley Leadership Group Resource Legacy Fund, and Moore Foundation regarding a proposed education program on challenges and opportunities facing San Francisco Bay.

E. Date and Location of April Joint Venture Wetland Tour

Gioia announced the next San Francisco Bay Joint Venture wetland tour of the East Bay and Alameda sites on April 25, 2014. Gioia encouraged members to attend.

Beth Huning, Executive Director, San Francisco Bay Joint Venture, announced a tour of the Napa River on March 21, 2014, and invited members to attend.

7. Financial Accounts for the Restoration Authority

Moy reported on ABAG staff members' recommendation to establish a bank account for the San Francisco Bay Restoration Authority with Bank of the West and a brokerage account with TD Ameritrade. He recommended that the Governing Board adopt Resolution 4

authorizing the opening of a checking account with Bank of the West and Resolution 5 authorizing the opening of a trading account with a TD Ameritrade.

Gioia recognized a motion by Foust and a second by Sutter to adopt Resolution 4 authorizing the opening of a checking account with Bank of the West and Resolution 5 authorizing the opening of a trading account with TD Ameritrade. There was no discussion. The motion passed unanimously.

Ayes: Chavez, Foust, Gioia, Pine, Sutter.

Nays: None.

Absent: Caldwell

8. Report on Status of Ballot Advisors and Work Products

Moy reported on the status of ballot advisors and work products, including retaining Remcho, Johnson and Purcell as election counsel and coordinating work of the election counsel; obtaining a tax opinion from Caplan and Drysdale; negotiating a contract with NBS to coordinate with county tax assessors/recorders in connection with the special tax measure; considering post-election services for commencing and documenting the processes for application of the tax and billing process; and considering optional annual tax administration services.

John Coleman, Bay Planning Coalition, commented on the proposed parcel tax ballot measure.

Gioia recognized a motion by Sutter and a second by Chavez to authorize a contract with NBS for technical services for pre-election work with options for post – election services and 5 options for annual tax administration services totaling \$257,500. There was no discussion. The motion passed unanimously.

Ayes: Chavez, Foust, Gioia, Pine, Sutter.

Nays: None.

Absent: Caldwell

9. Report on Ballot Measure Resolution and Appointment of Ballot Measure Committee

Schuchat reported on threshold questions and discretionary ballot measure terms, and reviewed resolutions and other documents needed to place a measure on county ballots.

Members discussed additional threshold questions to be included for consideration, information needed to inform decisions, and formation of a Ballot Measure Committee.

Gioia, Sutter and Pine were appointed to a Ballot Measure Committee.

10. Report on Provisions of Ballot Measure: Focus on Geographic Area and Exemptions

Schuchat reported on discretionary terms for a ballot measure focusing on geographic area and exemptions.

Members discussed whether the ballot measure should encompass the nine Bay Area counties or a smaller area, and whether the ballot measure should offer exemptions to seniors or others.

Members and staff will continue working on the assumption that the ballot measure will include the entire Bay Area, and will conduct polling to examine differences in revenues.

Members considered the impact of senior and low income exemptions on the ballot measure and revenue, and of a multi-parcel owner exemption.

Public comment was heard from the following:

Geiser commented on the impact of a parcel tax and the aggregate impact of multiple taxes on renters.

The Governing Board next addressed Items 12, 14, 15, and 16.

11. Report on Draft Expenditure Plan: Examples of Possible Eligible Projects

Amy Hutzel, Program Manager, California State Coastal Conservancy, reported on the draft expenditure plan and examples of possible eligible projects, and reviewed suggestions received from stakeholders, including comments from the Bay Area Council, Sierra Club, Citizens Committee to Complete the Refuge, Sonoma County Water Agency, and Bob Berman.

Members discussed the draft expenditure plan and reviewed suggestions from stakeholders.

Staff will prepare an integrated revised draft expenditure plan.

The Ballot Measure Committee will review the revised draft expenditure plan.

12. Report and Possible Action on Joint Powers Agreement with State Coastal Conservancy and Association of Bay Area Governments

Hutzel and Amy Roach, Legal Counsel, California State Coastal Conservancy, reported on possible action on a joint powers agreement with State Coastal Conservancy and Association of Bay Area Governments, and reviewed a revised proposed joint powers agreement recitals and terms. Hutzel reported on meetings with State Coastal Conservancy board members, and Department of Finance and Resources Agency staff members.

Members and staff discussed the joint powers agreement proposed recitals and terms, including tort liability of the parties.

Gioia recognized a motion by Foust and a second by Pine to adopt Resolution 6 authorizing entry into a joint powers agreement with the State Coastal Conservancy and the Association of Bay Area Governments, including that the indemnification term provides for the purchase of liability insurance and for the Authority to indemnify ABAG and the Conservancy once it is able to purchase insurance, with the Conservancy and ABAG agreeing to indemnify the Authority prior to the Authority's purchase of insurance. There was no discussion. The motion passed unanimously.

Ayes: Chavez, Foust, Gioia, Pine, Sutter.

Nays: None.

Absent: Caldwell

13. Report on Ballot Access—Update

Pine reported on ballot access costs and continuing work by Cindy Chavez, Supervisor, County of Santa Clara, and Patrick Band, Save The Bay, to determine actual ballot access costs.

14. Report on Grant Operations

Pine reported on grant operations and discussions with labor representatives.

Members discussed construction work on projects.

Gioia recognized a motion by Chavez and a second by Foust to form a Grant Operations Committee and to appoint Chavez and Pine to the Grant Operations Committee. There was no discussion. The motion passed unanimously.

Ayes: Chavez, Foust, Gioia, Pine, Sutter.

Nays: None.

Absent: Caldwell.

15. Report on Tracking Poll

Schuchat reported on the selection of EMC to conduct a tracking poll on the proposed ballot measure.

Members discussed reviewing a draft ballot measure description and proposed tracking poll questions.

The Ballot Measure Committee will review the draft ballot measure description.

Gioia recognized a motion by Pine and a second by Foust to approve the selection of EMC and to authorize the expenditure of \$25,000 to conduct a tracking poll in May on the proposed ballot measure. There was no discussion. The motion passed unanimously.

Ayes: Chavez, Foust, Gioia, Pine, Sutter.

Nays: None.

Absent: Caldwell

16. Additional Appointment to Advisory Committee

Hutzel reported on an additional appointment to the Advisory Committee, namely, Arthur Feinstein, Bay Area Sierra Club chapters.

Gioia recognized a motion by Chavez and a second by Foust to appoint Arthur Feinstein, Bay Area Sierra Club chapters, to the Advisory Committee. There was no discussion. The motion passed unanimously.

Ayes: Chavez, Foust, Gioia, Pine, Sutter.

Nays: None.

Absent: Caldwell

The Governing Board next addressed Items 11 and 13.

Foust left the meeting.

17. Adjournment

The Governing Board meeting adjourned at about 3:15 p.m.

Next meeting is on April 23, 2014, 1:00 p.m. to 3:00 p.m.

Submitted by the Clerk of the Governing Board:
April 9, 2014

Approved by the Governing Board:
April 23, 2014